

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

ERIC BEAN,

SUMMONS IN A CIVIL ACTION

V.

ANTHONY NAK, INC., ANTHONY CAMARGO  
AND DAVID N. ARMSTRONG,

CASE NUMBER:

08 CV 03017

TO: (Name and address of Defendant)

David N. Armstrong  
800 Brazos Street, Suite 300  
Austin, TX 78701

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Cowan, DeBaets, Abrahams & Sheppard LLP  
41 Madison Avenue, 34th Floor  
New York, NY 10010



an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**


MAR 25 2008

CLERK

DATE

(By) DEPUTY CLERK

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| RETURN OF SERVICE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                |       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|-------|
| Service of the Summons and complaint was made by me <sup>(1)</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | DATE <u>3-31-08 at 2:01 PM</u> |       |
| NAME OF SERVER (PRINT)<br><u>George L. Castillo</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | TITLE<br><u>Process Server</u> |       |
| Check one box below to indicate appropriate method of service                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                |       |
| <input checked="" type="checkbox"/> Served personally upon the defendant. <u>DAVID N. ARMSTRONG</u><br>Place where served:<br><u>800 Brazos, Ste. 300, Austin TX. 78701</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                |       |
| <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.<br>Name of person with whom the summons and complaint were left:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                |       |
| <input type="checkbox"/> Returned unexecuted:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                |       |
| <input type="checkbox"/> Other (specify):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                |       |
| STATEMENT OF SERVICE FEES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                |       |
| TRAVEL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | SERVICES                       | TOTAL |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                |       |
| DECLARATION OF SERVER                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                |       |
| <p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on <u>3-31-08</u> <u>George L. Castillo</u><br/> Date Signature of Server</p> <p style="text-align: center;"><b>ASSURED</b><br/> <b>CIVIL PROCESS AGENCY</b><br/> Address of Server <u>600 SABINE ST., SUITE 100</u><br/> <b>AUSTIN, TEXAS 78701</b></p> <p>The server, known by me personally, has sworn to and subscribed before me this <u>1<sup>st</sup></u> day of <u>April</u>, 200<u>8</u><br/> <u>Dana L. McMichael</u><br/> Notary Public</p> <div style="border: 1px solid black; padding: 5px; margin-top: 20px; text-align: center;">  DANA L. MCMICHAEL<br/> Notary Public, State of Texas<br/> My Commission Expires<br/> April 23, 2008 </div> |                                |       |

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.